

Notice of Allowability

Application No.

10/811,549

Examiner

Sandra Saucier

Applicant(s)

SOWEMIMO-COKER ET AL.

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments and arguments filed 4/11/07 and authorization of attached ex. amendment.
2. ☒ The allowed claim(s) is/are 1-4,6,8-20 and 102.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

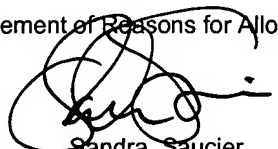
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 2/23/07, 4/11/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Sandra Saucier
Primary Examiner
Art Unit: 1651

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with M. Sistrunk on 6/15/07.

The amendments were introduced in order to clarify the claimed method and to provide consistent antecedent basis for the method steps and products.

The application has been amended as follows:

IN THE CLAIMS

Claims 1 and 102 now read:

1. A method of preparing a cell concentrate comprising the steps of:

providing a physiological fluid which has not been previously subjected to centrifugation and which comprises platelets, plasma, nucleated cells and red blood cells,

combining a hypotonic fluid with the physiological fluid, the hypotonic fluid being in an amount which does not cause the cells to lyse in the physiological fluid/ hypotonic fluid combination,

subjecting the combined physiological fluid/hypotonic fluid to a filter to produce a filter retentate and a permeate fluid, wherein said filter retentate comprises platelets and nucleated cells per unit volume greater than in the physiological fluid and wherein said permeate fluid comprises plasma and red blood cells, and

removing the filter retentate from the filter to produce the cell concentrate.

102. A method of preparing a cell concentrate comprising the steps of:

providing a physiological fluid which has not been previously subjected to centrifugation and which comprises platelets, plasma, nucleated cells and red blood cells,

combining a hypotonic fluid with the physiological fluid, the hypotonic fluid being in an amount which does not cause the cells to lyse in the physiological fluid/ hypotonic fluid combination,

subjecting the combined physiological fluid/hypotonic fluid to a leukocyte reduction filter to produce a filter retentate and a permeate fluid, wherein said filter retentate comprises platelets and nucleated cells per unit volume greater than in the physiological fluid and wherein said permeate fluid comprises plasma and red blood cells, and

removing the filter retentate from the filter to produce the cell concentrate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Saucier whose telephone number is (571) 272-0922. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, M. Wityshyn can be reached on (571) 272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Sandra Saucier', with a long horizontal line extending to the right.

Sandra Saucier
Primary Examiner
Art Unit 1651